

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMTECH21, LLC	DOCKET NO. WRU-04-36-3436
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ORDER GRANTING WAIVER

(Issued August 18, 2004)

On July 19, 2004, ComTech21, LLC (ComTech), filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services.

ComTech is an interexchange telecommunications provider in Iowa. No objection to the request has been filed.

In support of its request, ComTech states that it has entered into an agreement with United Systems Access (United Systems) whereby ComTech will acquire United Systems' long distance customer base in Iowa. ComTech states that notice was sent to all of United Systems' customers of the transition from United Systems to ComTech and that there will not be a change in the rates, terms, and conditions of services provided to United Systems' customers. The notice also provided a toll-free number for customers to speak to ComTech about the transfer.

ComTech requests a waiver of subrule 22.23(2), which would require individual verification of each customer's agreement to the proposed change in the customer's service. To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted based on the Board's review of the information provided by ComTech. The Board finds that it would be an undue hardship for ComTech to obtain individual authorization verifications for the change in service providers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of United Services' customers received notice of ComTech's acquisition and will be afforded an opportunity to change providers if they choose to do so.

IT IS THEREFORE ORDERED:

The waiver request filed by ComTech21, LLC, on July 19, 2004, is granted.
The verification requirement of 199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 18th day of August, 2004.